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IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF WASHINGTON

SHERRY ANDREWS, Personal  
 Representative for the Estate of  
 MISTY FORD; A.F, beneficiary of the  
 estate and individually; N.F,  
 beneficiary of the estate and  
 individually; and ETHEL FORD,  
 individually,

Plaintiffs,

vs.

THE UNITED STATES OF  
 AMERICA; Correctional Officer  
 CLIFFORD MATHERLY, an  
 individual; Correctional Officer  
 CLARICE MATHERLY, an  
 individual; KATHERINE WHIPPLE,  
 M.D., an individual; and DOES 1-10;

Defendants.

**NO. CV-07-361-FVS**

**STIPULATED  
 PROTECTIVE ORDER RE:  
 CONFIDENTIAL PERSONAL &  
 PRIVACY ACT INFORMATION**

Based on the stipulation of the parties by and through their respective counsel,  
 the following Protective Order will apply to, but not necessarily limited to, all  
 Defendant personnel, supervisor, and investigative files:

STIPULATED PROTECTIVE ORDER - 1

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2  
3 1. This Stipulated Protective Order ("Protective Order") shall be govern  
4 the treatment and handling of all personnel documents which are hereby designated  
5 as confidential, including, but not limited to, the personnel, supervisor and  
6 investigative files of the Bureau of Indian Affairs, Department of Interior, and  
7 Department of Health and Human Services, as they relate to the allegations  
8 contained in Plaintiffs' Complaint.

9  
10 2. Defendant United States and the individually named Defendant  
11 employees may designate additional documents as "confidential" and thus subject  
12 those records to the terms of this Protective Order by fixing a notation to such  
13 documents, materials or information, or by other appropriate written notice to  
14 plaintiff's attorney. Defendants may designate "**CONFIDENTIAL: SUBJECT**  
15 **TO PROTECTIVE ORDER**" the above referenced personnel and supervisor files  
16 and any other personnel documents, materials or information that they believe  
17 contain confidential information.

18  
19 3. Testimony taken in deposition in this case similarly may be designated  
20 as confidential and made subject to the terms of this Order at the time of the record.

21  
22 4. Either party may move the court for determination of confidentiality if  
23 the parties are unable to resolve a dispute regarding defendants' determination of  
24 confidentiality. No disclosure shall be made of any information designated as  
25 confidential except as provided herein until such time as the matter is resolved by  
26 the court.

27  
28 5. Documents, materials, or information designated confidential pursuant  
29 to this Protective Order shall not be disclosed or disseminated by plaintiff or  
30 plaintiff's attorneys William C. Maxey and Mark Harris, or to any other person or  
31 entity, with the following exception:

32 a. Use of such confidential documents, materials, or information  
33 for trial preparation by paralegal or secretarial staff of plaintiff's attorney is  
34 allowed by this Protective Order, subject to all conditions of this Protective  
Order which govern plaintiff's attorney's use of such confidential  
information;

1           b. Documents, materials or information designated by defendant  
2 as confidential may be provided to expert witnesses, or consultants by  
3 plaintiff's attorney provided such expert witness or consultants, before being  
4 allowed to see any confidential documents, materials, or information, in  
5 writing acknowledge receipt of a copy of this Protective Order and agree to  
6 be bound by the terms of this Protective Order. The prohibition of this  
7 paragraph shall apply in all circumstances, including, but not limited to,  
8 deposition in this case.

9           6. All summaries and exhibits prepared from confidential information  
10 shall be stamped "**CONFIDENTIAL: SUBJECT TO PROTECTIVE**  
11 **ORDER**" by counsel causing them to be prepared.

12           7. All persons having access to confidential information made available  
13 pursuant to this agreement shall agree not to make any use of said confidential  
14 information except in connection with the above-captioned litigation and shall  
15 further agree not to deliver or transfer said confidential information to any person  
16 not previously authorized by the terms herein.

17           8. Counsel disclosing confidential information to any person or entity  
18 shall be responsible for limiting distribution of the confidential information to those  
19 persons who both (1) have a need to know the information and (2) are authorized to  
20 receive the information under this Protective Order. Counsel shall be prepared to  
21 account for the disposition and use of the information under this Protective Order.

22           9. All copies of confidential information disclosed under this agreement  
23 shall be subject to the same restrictions as imposed on the original information.

24           10. All documents, materials, and information designated as confidential  
25 and disclosed to any person pursuant to this Protective Order shall remain in the  
26 possession only of plaintiff's attorney or the experts or consultants to whom they  
27 are disclosed as provided by the Protective Order. Plaintiff may not retain any  
28 documents, materials, or information designated as confidential pursuant to this  
29 Protective Order after the conclusion of this litigation or the trial of this case,  
30 whichever comes first.  
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1           11. Upon completion of this litigation, all documents and materials  
2 designated confidential and all copies thereof, shall be returned to Defendants by  
3 Plaintiff's attorneys.  
4

5           12. Documents, materials, and information designated as confidential  
6 pursuant to this Order may be disclosed in regular proceedings of this Court,  
7 subject to approval by defendant's attorneys or by the following method in absence  
8 of approvals: If the documents, materials, or information designated confidential  
9 are made exhibits in this case or are incorporated into any pleadings or documents  
10 filed on behalf of plaintiff with the Court, such exhibits or pleadings shall be (a)  
11 bound separately and (b) placed in a sealed envelope or other appropriately sealed  
12 contained on which shall be endorsed:

13           This envelope is sealed pursuant to the Stipulated Protective Order,  
14 dated \_\_\_\_\_, 2008, and contained confidential  
15 information filed in these proceedings. It is not to be opened or the  
16 contents thereof displayed or revealed except to the court and persons  
17 authorized by the court.

18           If the designated Confidential Information appears in any transcription filed with  
19 the Court, such transcription shall be (a) bound separately, and (b) placed in a  
20 sealed envelope or other appropriately sealed container which bears the foregoing  
21 endorsement.  
22

23           13. No confidential documents, materials, or information shall be used at  
24 trial, except as provided by further order of the Court. Any party may apply to this  
25 Court for additional protection regarding any discovery in this case.

26           14. No modification or amendment of this Protective Order is permitted  
27 except by a writing signed by counsel for the parties and approved by the Court.  
28 The parties hereto agree that it is unreasonable to rely on any oral modification or  
29 amendment of this agreement.  
30

31           15. The failure to insist upon full compliance with any of the terms of the  
32 Protective Order in any instance shall not be deemed to be a waiver of the right to  
33 insist upon full compliance with those terms thereafter.  
34

17. A conformed copy of the Protective Order shall be provided to plaintiff, who shall sign and date it, acknowledging that she has read and understood the terms and agrees to be bound by the terms of this Protective Order. The signed copy shall be provided to defendant's attorney.

s/ Fred Van Sickle

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**The Honorable Fred Van Sickle**  
**United States District Court Judge**  
**Eastern District of Washington**